



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 1

#### [<sup>F1</sup>GENERAL FUNCTIONS OF THE CMA]

##### *Miscellaneous*

#### **9 Repeal of certain powers of direction**

Section 12 of the Fair Trading Act 1973 (c. 41) (in this Act referred to as “the 1973 Act”) and section 13 of the Competition Act 1980 (c. 21) (powers of Secretary of State to give directions) shall cease to have effect.

#### **10 Part 2 of the 1973 Act**

- (1) The following provisions of the 1973 Act shall cease to have effect—
  - (a) section 3 and Schedule 2 (which establish, and make provision with respect to, the Consumer Protection Advisory Committee);
  - (b) sections 13 to 21 (which relate to references made to, and reports of, that Committee); and
  - (c) section 22 (power of Secretary of State to make orders in pursuance of a report of that Committee).

<sup>F1</sup>(2) .....

- (3) If the orders saved by subsection (2)(a) have been revoked, the Secretary of State may by order—
  - (a) repeal any unrepealed provision of Part 2 of the 1973 Act and subsection (2) above; and
  - (b) make such other consequential modifications of any Act or subordinate legislation (whenever passed or made) as he thinks fit.

- (4) An order under subsection (3)—

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- (a) may make transitional or saving provision in connection with any modification made by the order; and
- (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F1** S. 10(2) repealed (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 1, Sch. 2 para. 69, **Sch. 4 Pt. 1** (with reg. 28(2)(3))

## 11 Super-complaints to OFT

- (1) This section applies where a designated consumer body makes a complaint to the [<sup>F2</sup>CMA] that any feature, or combination of features, of a market in the United Kingdom for goods or services is or appears to be significantly harming the interests of consumers.
- (2) The [<sup>F2</sup>CMA] must, within 90 days after the day on which it receives the complaint, publish a response stating how it proposes to deal with the complaint, and in particular—
  - (a) whether it has decided to take any action, or to take no action, in response to the complaint, and
  - (b) if it has decided to take action, what action it proposes to take.
- (3) The response must state the [<sup>F3</sup>CMA's] reasons for its proposals.
- (4) The Secretary of State may by order amend subsection (2) by substituting any period for the period for the time being specified there.
- (5) “Designated consumer body” means a body designated by the Secretary of State by order.
- (6) The Secretary of State—
  - (a) may designate a body only if it appears to him to represent the interests of consumers of any description, and
  - (b) must publish (and may from time to time vary) other criteria to be applied by him in determining whether to make or revoke a designation.
- (7) The [<sup>F4</sup>CMA] —
  - (a) must issue guidance as to the presentation by the complainant of a reasoned case for the complaint, and
  - (b) may issue such other guidance as appears to it to be appropriate for the purposes of this section.
- (8) An order under this section—
  - (a) shall be made by statutory instrument, and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—
  - (a) references to a feature of a market in the United Kingdom for goods or services have the same meaning as if contained in Part 4, and

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- (b) “consumer” means an individual who is a consumer within the meaning of that Part.

**Textual Amendments**

- F2** Word in s. 11(1)(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 64\(2\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Word in s. 11(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 64\(3\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Word in s. 11(7) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 64\(4\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

**Modifications etc. (not altering text)**

- C1** S. 11 (except s. 11(7)(a)) applied in part (20.6.2003) by [The Enterprise Act 2002 \(Super-complaints to Regulators\) Order 2003 \(S.I. 2003/1368\)](#), [art. 2](#)

**Changes to legislation:**

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